

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:22-cv-490

DUALBOOT PARTNERS, LLC,	)	
Plaintiff	)	
	)	NOTICE OF REMOVAL
v.	)	
	)	
PRESS SPORTS APP, INC.,	)	
Defendant	)	

TO: Plaintiff, Dualboot Partners, LLC, and its attorney of record,  
Eric Spengler  
Spengler & Agans, PLLC  
352 N. Caswell Road  
Charlotte, North Carolina 28204

Please take notice that, pursuant to 28 U.S.C. 1332, 1441, and 1446, Defendant Press Sports App, Inc. ("Press Sports"), by and through the undersigned counsel, hereby removes the action commenced by Plaintiff Dualboot Partners, LLC, from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, where the case is currently pending to the United States District Court for the Western District of North Carolina, Charlotte Division. As grounds for removal, Defendant states as follows:

## **STATE COURT ACTION**

1. This action was commenced on or about August 2, 2022 in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, styled *Dualboot Partners, LLC v. Press Sports App, Inc.*, Case No. 22-CVS-12594.

## **PROCEDURAL REQUIREMENTS**

2. Press Sports has satisfied all procedural requirements of 28 U.S.C. §1446 and hereby removes the State Court Action to the United States District Court for the Western District of North Carolina, Charlotte Division, pursuant to 28 U.S.C. §§1332 and 1441.

3. Removal to Proper Court. Pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446(a), this Notice of Removal is being filed in the United States District Court for the Western District of North Carolina, Charlotte Division, which is part of the “district and division” embracing the place where this action was filed – Mecklenburg County, North Carolina.

4. Removal Is Timely. Plaintiff served a copy of the Complaint on Defendant's registered agent "The Corporation Trust Company" via UPS Next Day Delivery on or about August 23, 2022. The Corporation Trust Company forwarded the Summons and Complaint to Defendant. Defendant first received a copy of Complaint and Summons on or about August 29, 2022. Defendant has therefore removed the State Court Action within the 30—day time period provided in §1446(b).

5. Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. §1446(a).

6. Pleadings and Process. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all documents in the State Court Action are attached hereto as Exhibit A.

7. Notice. A copy of this Notice of Removal will be filed with the clerk of the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, as required by 28 U.S.C. §1446(d) and served on counsel for Plaintiff.

Statutory Requirements—28 U.S.C. §1332

8. This Court has Jurisdiction. This Court has original diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332(a) in that the parties to this action are citizens of different states; and (b) the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

9. Citizenship of the Parties. Plaintiff is a limited liability company organized under the laws of North Carolina, with a principal place of business in Mecklenburg County, North Carolina. (Complaint, ¶ 1.) Defendant is a corporation organized under the laws of Delaware, with its principal place of business located in Atlanta, Georgia. (Complaint, ¶ 2). Therefore, Plaintiff and Defendant have complete diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(1), (c).

10. Amount in Controversy. Plaintiff's Complaint asserts a claim for breach of contract and alleges Plaintiff suffered damages of \$183,342.50. (Complaint, ¶ 71).

11. Plaintiff has therefore alleged damages in excess of \$75,000, plus reasonable attorneys' fees as the amount in controversy in the State Court Action. Accordingly, the jurisdictional amount in controversy under 28 U.S.C. §1332(b) is satisfied.

### **REMOVAL IS PROPER**

12. Written notice of the filing of the Notice of Removal is being served upon Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the General Court of Justice, Superior Court Division, Mecklenburg County as provided by 28 U.S.C. § 1446(d).

13. Venue is proper in this court pursuant to 28 U.S.C. § 1441(a) in that this district and division embrace the place where the action is pending.

14. Defendant reserves the right to amend or supplement this Notice of Removal.

15. Defendant reserves all defenses, and the filing of this Notice of Removal is without waiver of any defense.

16. Defendant hereby reserves any and all rights to assert the insufficiency of process or insufficiency of service of process as defenses to Plaintiff's complaint.

WHEREFORE, this Court has jurisdiction pursuant to 28 U.S.C. § 1332 based on diversity of citizenship, and removal pursuant to 28 U.S.C. §§ 1441 and 1446 is appropriate.

Respectfully submitted this the 21st day of September, 2022.

/s/ Hayley R. Wells

Hayley R. Wells

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Attorneys for Defendant, Press Sports App, Inc.

\*This email address must be used in order to effectuate service under the Federal Rules of Civil Procedure.

\*\* Email address to be used for all communications other than service.

CERTIFICATE OF SERVICE

I hereby certify that on September 21st, 2022, I electronically filed the foregoing NOTICE OF REMOVAL with the Clerk of the Court using the CM/ECF system and I hereby Certify that I have mailed the document to the following non CM/ECF participants:

Eric Spengler  
Spengler & Agans, PLLC  
352 N. Caswell Road  
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Counsel for Plaintiff, Dualboot Partners, LLC

/s/ Hayley R. Wells

Hayley R. Wells

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